

CHAPTER 453D – ADULT USE OF MARIJUANA

Definitions

Sec. () Definitions (NRS 453D.()) *As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 453D () to NAC 453D () inclusive, and sections () to (), inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. () “Accreditation Body” defined. (NRS 453D.()) *“Accreditation body” means an impartial organization that operates in conformance with the International Organization for Standardization (ISO) / International Electrical Commission standard (ISO/IEC) 17011 and is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement (MRA) for Testing.*

Sec. () “Analyte” defined. (NRS 453D.()) *“Analyte” means any compound, element, contaminant organism, and species or other substance for which a marijuana sample is tested by a marijuana testing facility.*

Sec. () “Batch” defined. (NRS 453D.()) *“Batch” means the usable flower and trim consisting of a specific lot or lots of marijuana grown by a marijuana cultivation facility from one or more seeds or cuttings of the same strain of marijuana. The harvest date will be the final date of harvest and will close out the batch.*

Sec. () “Batch number” defined. (453D.()) *“Batch number” means a unique numeric or alphanumeric identifier assigned to a batch by a marijuana establishment when the batch is planted.*

Sec. () “CBD” defined. (NRS 453D.()) *“CBD” means cannabidiol, which is a primary phytocannabinoid compound found in marijuana.*

Sec. () “Combined marijuana establishment” defined. (NRS 453D.()) *“Combined marijuana establishment” refers collectively to a group of singularly owned, co-located marijuana establishments sharing a single real estate parcel.*

Sec. () “Community facility” defined. (NRS 453D()) *“Community facility” means a facility licensed to provide day care to children, a public park, a public playground, a public swimming pool, a center or facility the primary purpose of which is to provide recreational opportunities or services to children or adolescents, or a church, synagogue, or other building, structure, or place used for religious worship or other religious purpose.*

Sec. () “Component marijuana establishment” defined. (NRS 453D.()) *“Component marijuana establishment” refers to the individual marijuana establishments which are qualified and registered to combine operations with other individual marijuana establishments.*

Sec. () “Concentrated marijuana” defined. (NRS 453D ()) *“Concentrated marijuana” means the separated resin, whether crude or purified, obtained from marijuana.*

Sec. () “Consumer” defined. (NRS 453D.()) *“Consumer” means a person who is 21 years of age or older who purchases marijuana or marijuana products for use by persons 21 years of age or older, but not for resale to others.*

Sec. () “Department” defined. (NRS 453D. ()) *“Department” means the Department of Taxation.*

Sec. () “Division” defined. (NRS 453D. ()) *“Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. () “Dual licensee” defined. (NRS 453D.()) *“Dual licensee” means a person or group of persons who possess a current, valid license to operate a medical marijuana establishment pursuant to chapter 453A of NRS and a license to operate a marijuana establishment under this chapter.*

Sec. () “Edible marijuana products” defined. (NRS 453D.()) *“Edible marijuana products” has the meaning ascribed to it in NRS 453A.101.*

Sec. () “Electronic verification system” defined. (NRS 453D.()) *“Electronic verification system” has the meaning ascribed to it in NRS 453A.102.*

Sec. () “Enclosed, locked facility” defined. (NRS 453D.()) *“Enclosed, locked facility” has the meaning ascribed to it in NRS 453A.103.*

Sec. () “Excise tax on marijuana” defined. (NRS 453D.()) *“Excise tax on marijuana” means any of the excise taxes imposed by NRS Chapter 327A, Senate Bill 487 (2017) and NRS 453D.*

Sec. () “Excluded felony offense” defined. (NRS 453D.()) *An “Excluded felony offense” has the meaning ascribed to it in NRS 453D.*

Sec. () “Extraction” defined. (NRS 453D.()) *“Extraction” has the meaning ascribed to it in section 1.4 of Senate Bill No. 447, chapter 506, Statutes of Nevada 2015, at page 3085 (NRS 453.0825).*

Sec. () “Fair market value” defined. (NRS 453D.()) *“Fair Market Value” is the value established by the Department based on the price that a buyer would pay to a seller in an arm’s length transaction for marijuana in the wholesale market.*

Sec. () “Foreign matter” defined. (NRS 453D.()) *“Foreign matter” means:*

1. Any plant matter which is more than 2 millimeters in size and which constitutes more than 5 percent of the product; or

2. Any physical contaminant, which is included in concentrated marijuana, edible marijuana products or marijuana infused products.

Sec. () “Growing Unit” defined. (NRS 453D.()) *“Growing Unit” means an area within a marijuana cultivation facility which is serviced by all building facilities, technology, and has all other features specified in the marijuana cultivation facility application to perform growing operations at all stages of growth. A cultivator must show the ability to nourish clones/germinate seedlings, attain vegetative growth, flower plants to maturity, dry and cure cut plants, trim and package finished plants, and store finished marijuana product in compliance with all regulations. A Growing Unit may be single growing tables, enclosed pods, or rooms.*

Sec. () “Immature marijuana plant” defined. (NRS 453D.()) *“Immature marijuana plant” means a marijuana plant with no observable flowers or buds.*

Sec. () “Inventory control system” defined. (NRS 453D.()) *“Inventory control system” has the meaning ascribed to it in NRS 453A.108.*

Sec. () “Letter of approval” defined. (NRS 453D.()) *“Letter of approval” means a document issued by the Department to an applicant who is under 10 years of age pursuant to NRS 453A.220, which provides that the applicant is exempt from state prosecution for engaging in the medical use of marijuana.*

Sec. () “Locality” defined. (NRS 453D.()) *“Locality” means a city or town, or, in reference to a location outside the boundaries of a city or town, a county.*

Sec. () “Lot” defined. (NRS 453D.()) *“Lot” means:*

1. *The flowers from one or more marijuana plants of the same strain, in a quantity that weighs 5 pounds or less;*
2. *The leaves or other plant matter from one or more marijuana plants, other than full female flowers, in a quantity that weighs 15 pounds or less; or*
3. *The wet leaves or other plant matter from one or more marijuana plants used only for extraction, in a quantity that weighs 125 pounds or less and is weighed within 2 hours of harvest.*

Sec. () “Marijuana” defined. (NRS 453D.()) *“Marijuana” has the meaning ascribed to it in NRS 453D.030.*

Sec. () “Marijuana cultivation facility” defined. (NRS 453D.()) *“Marijuana cultivation facility” has the meaning ascribed to it in NRS 453D.030.*

Sec. () “Marijuana distributor” defined. (NRS 453D.()) *“Marijuana distributor” has the meaning ascribed to it in NRS 453D.030.*

Sec. () “Marijuana establishment” defined. (NRS 453D.()) *A “Marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or a retail marijuana store.*

Sec. () “Marijuana establishment agent” defined. (NRS 453D.()) *A “Marijuana establishment agent” means an owner, officer, board member, employee or volunteer of a marijuana establishment, an independent contractor who provides labor relating to the cultivation, processing, or distribution of marijuana or the production of marijuana or marijuana products for a marijuana establishment, or an employee of such an independent contractor.*

Sec. () “Marijuana establishment agent registration card” defined. (NRS 453D.())
“Marijuana establishment agent registration card” has the meaning ascribed to it in NRS 453A.118.

Sec. () “Marijuana paraphernalia” defined. (NRS 453D.()) *“Marijuana paraphernalia” has the meaning ascribed to it in NRS 453D.030.*

Sec. () “Marijuana product manufacturing facility” defined. (NRS 453D.())
“Marijuana product manufacturing facility” has the meaning ascribed to it in NRS 453D.030.

Sec. () “Marijuana products” defined. (NRS 453D.()) *“Marijuana products” has the meaning ascribed to it in NRS 453D.030.*

Sec. () “Marijuana testing facility” defined. (NRS 453D.()) *“Marijuana testing facility” has the meaning ascribed to it in NRS 453D.030.*

Sec. () “Mature marijuana plant” defined. (NRS 453D.()) *“Mature marijuana plant” means a marijuana plant which has flowers or buds that are readily observable by an unaided visual examination.*

Sec. () “Medical marijuana” defined. (NRS 435D.()) *“Medical marijuana” means the possession, delivery, production or use of marijuana pursuant to NRS 453A.*

Sec. () “Medical marijuana establishment registration certificate” defined. (NRS 453D.())
“Medical marijuana establishment registration certificate” has the meaning ascribed to it in NRS 453A.119.

Sec. () “Multiple-serving edible marijuana product” defined. (NRS 453D.())
“Multiple-serving edible marijuana product” means an edible marijuana product unit for sale to consumers containing more than 10mg of active THC and no more than 100mg of active THC within a variance of +/- 15%. If the overall edible marijuana product unit for sale to the

consumer consists of multiple pieces where each individual piece may contain less than 10mg active THC, yet in total all pieces combined within the unit for sale contain more than 10mg of active THC, then the edible marijuana product shall be considered a multiple-serving edible marijuana product.

Sec. () “Pesticide” defined. NRS 453D.() *“Pesticide” has the meaning ascribed to it in NRS 586.195.*

Sec. () “Potential total THC” defined. (NRS 453D.()) *“Potential total THC” means the sum of the percentage by weight of tetrahydrocannabinolic acid multiplied by 0.877 plus the percentage by weight of THC.*

Sec. () “Potentially hazardous marijuana products and ingredients” defined. (NRS 453D.()) *“Potentially hazardous marijuana products and ingredients” means an edible item that is natural or synthetic and that requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms;*

Sec. () “Premises” defined. NRS 453D.() *“Premises” means:*

- 1. Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage shop, warehouse, store, mill, barn, stable, outhouse or tent; or*
- 2. Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailed, travel trailer, motor home or railroad car, whether located above ground or underground and whether inhabited or not.*

Sec. () “Process” defined. (NRS 453D.()) *“Process” has the meaning ascribed to it in NRS 453D.030.*

Sec. () “Production run” defined. (NRS 453D.()) *“Production run” means:*

1. For the extraction of concentrated marijuana by a marijuana establishment, the combination of one or more lots used to make the same product in one homogenous mixture produced using the same method which results in not more than 2.2 pounds of concentrated marijuana.

2. For the production of marijuana products by a marijuana product manufacturing facility, one homogenous mixture produced at the same time using the same method and which may include a combination of concentrated marijuana and other materials for the production of edible marijuana products or marijuana-infused products.

Sec. () “Production run number” defined. NRS 453D.() *“Production run number” means a unique numeric or alphanumeric identifier assigned to a production run by a marijuana product manufacturing facility marijuana product manufacturing facility which accounts for each batch or lot or any concentrated marijuana used in the production run.*

Sec. () “Proficiency testing” defined. (NRS 453D.()) *“Proficiency testing” means to evaluate a marijuana testing facility’s performance under controlled conditions relative to a given set up criteria through analysis of unknown samples provided by an external source.*

Sec. () “Proficiency testing program” defined. (NRS 453D.()) *“Proficiency testing program” means the aggregate of providing rigorously controlled and standardized samples to a laboratory for analysis, reporting of results, statistical evaluation of results and the collective demographics and results summary of all participating laboratories.*

Sec. () “Proficiency testing provider” defined. (NRS 453D.()) *“Proficiency testing provider” means a person or organization accredited by a proficiency testing provider accreditor to operate a proficient testing program.*

Sec. () “Proficiency testing provider accreditor” defined. (NRS 453D.())
“Proficiency testing provider accreditor” means an organization that accredits and monitors the performance of proficiency testing providers.

Sec. () “Proficiency testing sample” defined. (NRS 435D.()) *“Proficiency testing sample” means a sample, the composition of which is unknown to the laboratory and is provided to test whether the laboratory can produce analytical results within specified acceptance criteria.*

Sec. () “Public place” defined. (NRS 453D.()) *“Public place” has the meaning ascribed to it in NRS 453D.030.*

Sec. () “Public Transportation” defined. (NRS 453D.()) *“Public transportation” means buses, trains, taxis, subways and other forms of transportations that charge fares and are available to the public and any fully regulated carriers, brokers of regulated services and operators of tow cars by authority as described in NRS 706.*

Sec. () “Retail marijuana store” defined. (NRS 453D.()) *“Retail marijuana store” has the meaning ascribed to it in NRS 453D.030.*

Sec. () “Sales price” defined. (NRS 453D.())

1 *“Sales price” means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:*

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses or any other expenses.

(c) The cost of transportation of the property before its purchase.

2. *The total amount for which property is sold includes all of the following:*

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. *“Sales price” does not include any of the following:*

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit, except that this exclusion does not apply in any instance when the customer, to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount of any tax, not including any manufacturers’ or importers’ excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

Sec. () “Sampling Protocols” defined. *“Sampling protocols” means the sampling procedures specified by the Department which are required to be used to obtain samples of marijuana for quality assurance testing.*

Sec. () “Scope of accreditation” defined. (NRS 453D.()) *“Scope of accreditation” means a document issued by the accreditation body which describes the tests or types of tests performed and materials or products tested and the methods used for testing cannabis or products containing cannabis for which the accreditation has been granted.*

Sec. () “Security Equipment” defined. (NRS 453D.()) *“Security equipment” means a system of video cameras, monitors, recorders, video printers, motion detector, exterior lighting, electronic monitoring and other ancillary equipment used for establishment surveillance.*

Sec. () “Separate operations” defined. (NRS 453D.()) *“Separate operations” are areas of operations in which component marijuana establishments within a combined marijuana establishment must maintain legal and operational separation from all other component marijuana establishments within the combined marijuana establishment.*

Sec. () “Single-serving edible marijuana product” defined. (NRS 453D.()) *“Single-serving edible marijuana product” means an edible marijuana product unit for sale to consumers containing no more than 10mg of active THC.*

Sec. () “Singularly owned, co-located” defined. (NRS 453D.()) *“Singularly owned, co-located” means marijuana establishments which were issued conditional marijuana establishment licenses to operate as a marijuana cultivation facility, a marijuana product manufacturing facility and/or retail marijuana store located on the same real estate parcel, and with identical ownership parties.*

Sec. () “Surveillance” defined. (NRS 453D.()) *“Surveillance” means the capability to observe and record activities being conducted outside and inside a licensed marijuana establishment.*

Sec. () “Taxpayer” defined. (NRS 453D.()) *“Taxpayer” means a:*

- 1. Marijuana cultivation facility; and a*
- 2. Retail marijuana store:*

Sec. () “THC” defined. (NRS 453D.()) *“THC” means:*

- 1. Delta-9-tetrahydrocannabinol;*
- 2. Delta-8-tetrahydrocannabinol/ and*
- 3. The optical isomers of such substances*

Sec. () “Unreasonably impracticable” defined. (NRS 453D.()) *“Unreasonably impracticable” has the meaning ascribed to it in NRS 453D.030.*

Sec. () “Usable marijuana” defined. (NRS 453D.()) *“Usable marijuana” has the meaning ascribed to it in NRS 453A.160.*